

HOUSE BILL 1038

Unofficial Copy
R6

1999 Regular Session
(91r2252)

ENROLLED BILL
-- Environmental Matters/Judicial Proceedings --

Introduced by **Delegate Mohorovic**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Exemptions - Disabled Individuals**
3 **and Seniors**

4 FOR the purpose of providing that a motor vehicle for which a special disabled
5 person's registration number and special registration plates have been issued is
6 exempt from the mandatory inspection and testing requirements of the vehicle
7 emissions inspection program if the owners of the vehicle meet certain disability
8 requirements, the vehicle is driven less than a certain number of miles over
9 certain periods, and the exemption is not prohibited by federal law; providing
10 that a motor vehicle owned by certain individuals of a certain age is exempt from
11 the mandatory inspection and testing requirements of the vehicle emissions
12 inspection program if the vehicle is driven less than a certain number of miles
13 over certain periods, and the exemption is not prohibited under federal law;
14 specifying application procedures; authorizing the Motor Vehicle Administrator
15 to adopt regulations to administer or enforce the provisions of the exemption;
16 and generally relating to the exemption of motor vehicles for which a special
17 disabled person's registration number and special registration plates have been

1 issued and to the exemption of motor vehicles owned by certain individuals of a
2 certain age from the mandatory inspection and testing requirements of the
3 vehicle emissions inspection program.

4 BY repealing and reenacting, without amendments,
5 Article - Transportation
6 Section 13-616(a) and (b)
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 1998 Supplement)

9 BY adding to
10 Article - Transportation
11 Section 23-206.2
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Transportation**

17 13-616.

18 (a) (1) The owner of any vehicle described in paragraph (2) of this subsection
19 may apply to the Administration for the assignment to that vehicle of a special,
20 disabled person's registration number and special registration plates, if the applicant,
21 a dependent of the applicant, or any individual who depends on the applicant for
22 transportation:

23 (i) Has permanently lost the use of a leg or an arm;

24 (ii) Is so severely and permanently disabled as to be unable to move
25 without a wheelchair or crutches;

26 (iii) So suffers from lung disease that his forced expiratory volume,
27 one second, when measured by spirometry, is less than one liter;

28 (iv) Has a permanent impairment of both eyes so that:

29 1. The central visual acuity is 20/200 or less in the better eye,
30 with corrective glasses; or

31 2. There is a field defect in which the peripheral field has
32 contracted to such an extent that the widest diameter of visual field subtends an
33 angular distance no greater than 20 degrees in the better eye; or

34 (v) Has a physical disability, as certified by a licensed physician
35 and determined by the Administration, which is permanent, which substantially

1 impairs the person's mobility, and which is so severe that the person would endure a
2 hardship or be subject to a risk of injury if the privileges accorded a person for whom
3 a vehicle is specially registered under this section were denied.

4 (2) This section applies only to:

- 5 (i) A Class A (passenger) vehicle;
- 6 (ii) A Class D (motorcycle) vehicle;
- 7 (iii) A Class M (multipurpose) vehicle;
- 8 (iv) A Class E (truck) vehicle with a one ton or less manufacturer's
9 rated capacity; or
- 10 (v) A Class H, I, or J vehicle that is specially equipped for the
11 transportation of individuals with disabilities and is used exclusively for the
12 transportation of individuals with disabilities.

13 (b) (1) Special registration and special registration plates may be issued
14 under this section only if the applicant submits:

- 15 (i) Proof satisfactory to the Administration that the applicant, the
16 dependent of the applicant, or the individual who depends on the applicant for
17 transportation, as the case may be, is an individual with a disability described in
18 subsection (a)(1) of this section; and
- 19 (ii) As to an applicant on whom an individual with a disability
20 depends for transportation, a certification of the individual with a disability that the
21 individual with a disability depends on the applicant for transportation.

22 (2) The Administration may not accept applications for special
23 registration under this section from:

- 24 (i) More than 2 applicants submitting certifications of dependency
25 as required under item (1)(ii) of this subsection from the same individual with a
26 disability;
- 27 (ii) More than 1 applicant on whom an individual with a disability
28 depends for transportation if the individual with a disability, at the time of
29 application, possesses a valid special registration issued under this section; or
- 30 (iii) An applicant who, at the time of application, possesses 2 valid
31 special registrations issued under this section.

32 23-206.2.

33 (A) (L) A MOTOR VEHICLE FOR WHICH SPECIAL REGISTRATION PLATES
34 HAVE BEEN ISSUED UNDER § 13-616 OF THIS ARTICLE, IS EXEMPT FROM THE
35 MANDATORY INSPECTIONS REQUIRED BY THIS SUBTITLE IF:

1 (+) (I) ALL OF THE OWNERS OF THE MOTOR VEHICLE MEET THE
2 DISABILITY REQUIREMENTS OF § 13-616(A)(1) OF THIS ARTICLE;

3 (2) (II) THE MOTOR VEHICLE IS DRIVEN LESS THAN 5,000 MILES OR
4 ~~LESS YEARLY~~ ANNUALLY; AND

5 (3) (III) THE EXEMPTION IS NOT OTHERWISE PROHIBITED BY FEDERAL
6 LAW.

7 (+) (+) (2) IN ORDER TO QUALIFY FOR ~~THIS EXEMPTION~~ AN EXEMPTION
8 UNDER PARAGRAPH (1) OF THIS SUBSECTION, ALL OWNERS OF THE MOTOR VEHICLE
9 SHALL CERTIFY THE FOLLOWING:

10 (I) THAT THE OWNER OF THE MOTOR VEHICLE MEETS THE
11 DISABILITY REQUIREMENTS OF § 13-616(A)(1) OF THIS ARTICLE;

12 (II) THAT THE MOTOR VEHICLE HAS BEEN ISSUED A SPECIAL
13 DISABLED PERSON'S REGISTRATION NUMBER AND SPECIAL REGISTRATION PLATES
14 UNDER § 13-616 OF THIS ARTICLE;

15 (III) THAT THE MOTOR VEHICLE IS DRIVEN 5,000 MILES OR LESS
16 ANNUALLY; AND

17 (IV) THE ~~CURRENT~~ MOTOR VEHICLE'S ODOMETER READING AT THE
18 TIME OF THE CERTIFICATION.

19 (2) (3) THE CERTIFICATION REQUIRED IN PARAGRAPH (4) (2) OF THIS
20 SUBSECTION SHALL BE MADE ON A FORM PROVIDED BY THE ADMINISTRATION.

21 (B) (1) A MOTOR VEHICLE OWNED BY AN INDIVIDUAL WHO IS AT LEAST 70
22 YEARS OF AGE AT THE TIME OF A SCHEDULED MANDATORY INSPECTION UNDER
23 THIS SUBTITLE IS EXEMPT FROM THE MANDATORY INSPECTIONS REQUIRED BY
24 THIS SUBTITLE IF:

25 (I) ALL OF THE OWNERS OF THE MOTOR VEHICLE ARE AT LEAST 70
26 YEARS OF AGE AT THE TIME OF THE SCHEDULED MANDATORY INSPECTION UNDER
27 THIS SUBTITLE;

28 (II) THE MOTOR VEHICLE IS BEING DRIVEN 5,000 MILES OR LESS
29 ANNUALLY; AND

30 (III) THE EXEMPTION IS NOT OTHERWISE PROHIBITED BY FEDERAL
31 LAW.

32 (2) IN ORDER TO QUALIFY FOR AN EXEMPTION UNDER PARAGRAPH (1)
33 OF THIS SUBSECTION, ALL OWNERS OF THE MOTOR VEHICLE SHALL CERTIFY THE
34 FOLLOWING:

1 (I) THAT ALL OF THE OWNERS OF THE MOTOR VEHICLE ARE AT
2 LEAST 70 YEARS OF AGE AT THE TIME OF A SCHEDULED MANDATORY INSPECTION
3 UNDER THIS SUBTITLE;

4 (II) THAT THE MOTOR VEHICLE IS BEING DRIVEN 5,000 MILES OR
5 LESS ANNUALLY; AND

6 (III) THE MOTOR VEHICLE'S ODOMETER READING AT THE TIME OF
7 THE CERTIFICATION.

8 (3) THE CERTIFICATION REQUIRED IN PARAGRAPH (2) OF THIS
9 SUBSECTION SHALL BE MADE ON A FORM PROVIDED BY THE ADMINISTRATION.

10 (C) THE ADMINISTRATOR MAY ADOPT REGULATIONS AS NECESSARY TO
11 ADMINISTER OR ENFORCE THE PROVISIONS OF THIS SECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1999.